

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

ROBERT E. EATON,
Petitioner

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Civ. A. No. 07-281-JJF

v.

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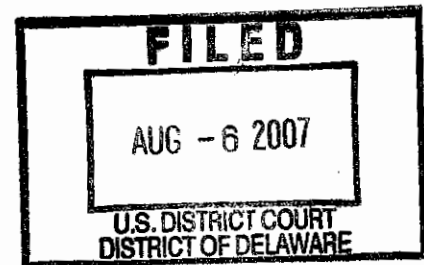
THOMAS L. CARROLL, Warden;
ATTORNEY GENERAL OF THE
STATE OF DELAWARE,
Respondents

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AFFIDAVIT

STATE OF DELAWARE}
NEW CASTLE COUNTY}



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I, Mark Kirk, do hereby attest to the following:

- (1) I have been an acquaintance of the above named petitioner for several years;
- (2) During those years, I have witnessed Mr. Eaton's health deteriorate, and his chronic condition worsen to the point of incoherency;
- (3) Due to Mr. Eaton's medical incapacity, I have assisted him with his legal filings as much as possible;
- (4) The Court's Order denying Mr. Eaton counsel in this matter poses the substantial risk that his petition will be dismissed due to his medical incapacity and incapability of properly briefing and litigating it;

(5) Mr. Eaton has confided to me that the conflict of interest he had with counsel involved a chief Delaware political figure and, therefore, needs the protection and advice of capable counsel;

(6) Therefore, while Mr. Eaton maintains that his claims are meritorious, he simply does not have the capacity at this time to present them to the Court, so as to not have his case dismissed;

(7) Due to my own obligations, I cannot continue to assist Mr. Eaton properly or effectively.

I, Mark Kirk, do hereby swear under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and recollection.

August 1, 2007
DATE

Mark Kirk
AFFIANT

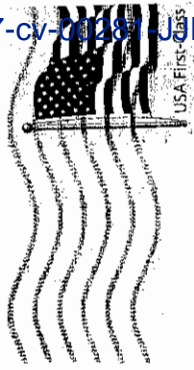
Sworn to and subscribed before me this 1st day of August, A.D. 2007.

My commission expires Sept 17, 2008.

[Signature]
Notary

IM Robert Eaton
SBI# 0202059 UNIT 51
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197
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